

Application No. 10/807,289
Response dated May 7, 2007
Office Action mailed February 5, 2007

REMARKS

The Examiner has rejected claims 1, 2, 8 and 11 under 35 U.S.C. § 102(e) as being anticipated by Rink et al. U.S. Patent No. 5,941,562. Claims 3-5 and 15 are rejected under § 103(a) as being unpatentable over Rink et al. in view of Tigrett U.S. Patent No. 3,321,342. Claims 9, 10 and 12-14 are rejected under § 103(a) as being unpatentable over Rink et al. in view of Lundstrom U.S. Patent No. 5,962,808. Claim 16 is rejected under § 103(a) as being unpatentable over Rink et al. in view of Barbero U.S. Patent No. 3,529,551. The following remarks are respectfully submitted.

Applicants respectfully traverse. Claim 1 recites “a mixture of N₂O, NO and one or more fuels” Rink et al. do not teach each and every element of the claimed invention, specifically NO in the mixture. Examiner contends that Rink et al. disclose “nitrous oxide combined with a solid fuel in a generating device (col. 4)” but does not assert that NO is taught. Applicants’ review of the reference reveals no such teaching. Rink et al. describes avoidance of NO as a decomposition product, which does not amount to a teaching of using NO as a raw material in mixture with N₂O (nitrous oxide) and could suggest to one of skill in the art that NO not be combined with N₂O. Because a reference must teach each and every element of the claimed invention for their to be anticipation under § 102, and Rink et al. fails to teach NO in mixture with N₂O and one or more fuels as claimed, the rejection of claims 1, 2, 8 and 11 under 35 U.S.C. § 102(e) is improper. Applicants respectfully request withdrawal of the rejection.

With respect to the rejections under § 103 over Rink et al. in view of Tigrett, Lundstrom, or Barbero, none of the secondary references teaches NO as an element of a gas-generating mixture. Therefore, the combination of references fails to teach each and every element of the claimed invention, such that there is no *prima facie* case of obviousness. Applicants respectfully request withdrawal of the rejections.

In view of the foregoing remarks, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the

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Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this Amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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